

HOUSE OF REPRESENTATIVES,
AUSTIN, February 2, 1884.

Hon. Marion Martin, President of the Senate:

I am instructed to inform the Senate that the House refuses to concur in Senate amendments to House bill No. 1, "An act to amend article 4662, chapter 1, title 95, of the Revised Statutes, as amended and approved May 4, A. D. 1883, and to amend articles 4666 and 4668, chapter 1, title 95, of the Revised Civil Statutes, to reduce taxation for general revenue purposes, to conform the tax laws to the amended Constitution, and to provide for the levy and collection of a tax to maintain a system of free schools under the amended Constitution."

Respectfully,

J. W. BOOTH, Chief Clerk.

Senator Pfeuffer moved that the Senate insist upon its amendments to House bill No. 1, and ask for a free conference committee to settle the disagreements between the two bodies.

Adopted, and

The President appointed Senators Pfeuffer, Buchanan and Collins on said committee on the part of the Senate.

Senator Jones moved to suspend the regular order of business and take up Senate bill No. 59, "An act to amend articles 3672 and 3675, chapter 2, title 76, and article 4466, chapter 1, title 88, Revised Civil Statutes; to add articles 3675a, 3675b, 3675c, 3675d, and 3675e, and to make an appropriation."

Adopted.

Senator Jones offered the following amendment to article 3675:

Strike out "said superintendent" and insert "clerk of said courts."

Adopted.

Senator Chesley offered the following amendment: Amend article 3675a by adding to end of section, "Said superintendent shall make his report in writing to the Comptroller, stating articles received and articles sold, to whom and at what price, and also a report showing how said funds were expended."

Adopted, and

Bill ordered engrossed.

Senator Jones moved to suspend the rules and place the bill on its third reading.

Adopted by the following vote:

YEAS—22.

Chesley,	Gibbs,	Pfeuffer,
Collins,	Harris,	Pope,
Cooper,	Houston,	Randolph,
Evans,	Jones,	Shannon,
Farrar,	Kleberg,	Stratton,
Fleming,	Martin,	Terrell,
Fowler,	Peacock,	Taylor,
Getzendaner,		

NAYS—none.

Bill read third time and passed by the following vote:

YEAS—22,

Buchanan,	Getzendaner,	Patton,
Chesley,	Gibbs,	Peacock,
Collins,	Harris,	Pfeuffer,
Cooper,	Houston,	Pope,
Evans,	Jones,	Shannon,
Farrar,	Kleberg,	Stratton,
Fleming,	Martin,	Terrell,
Fowler,		

NAYS—none.

On motion of Senator Gibbs,

The Senate adjourned till 10 o'clock a. m. Monday.

TWENTY-FOURTH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, February 4, 1884.

The Senate met pursuant to adjournment.

Lieutenant-Governor Martin in the chair.

Roll called.

Quorum present.

Prayer by Rev. Dr. Poindexter, Chaplain of the House.

On motion of Senator Stratton,

The reading of the journal of Saturday was dispensed with, and

The journal was adopted.

Senator Harris, chairman of Committee on Judicial Districts, submitted the following report:

COMMITTEE ROOM,
AUSTIN, February 4, 1884.

Hon. Marion Martin, President of the Senate:

Your Committee on Judicial Districts, to whom was referred Senate bill No. 77, entitled "An act to create the thirty-ninth judicial district," have carefully examined the same, and instruct me to report the same back with the recommendation that it do not pass, because the matter cannot, at this late hour, be properly considered by the committee, or by the Legislature, without serious interference with other business of more general importance now before the two houses.

All of which is respectfully submitted.

HARRIS, Chairman.

Bill read first time.

Senator Martin, chairman of Committee on Engrossed Bills, submitted the following reports:

COMMITTEE ROOM,
AUSTIN, February 4, 1884.

Hon. Marion Martin, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 76, being "An act to provide for holding district courts in counties recently organized, where no law is now in force to provide for the same." Also, Senate bill No. 59, "An act to amend articles 3672 and 3675, chapter 2, title 76, Revised Civil Statutes, to add certain articles to said statutes, and to make an appropriation," and find the same correctly engrossed.

MARTIN, Chairman.

COMMITTEE ROOM,
AUSTIN, February 4, 1884.

Hon. Marion Martin, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 7, being "An act making certain reservations for public roads over all lands hereafter disposed of by the State," and find the same correctly engrossed.

MARTIN, Chairman.

The President gave notice of signing the following bills:

House bill No. 72, which provides an amendment to articles 3027 and 3029, chapter 3, title 57, of the Revised Civil Statutes.

House bill No. 92, "An act to make an appropriation to be used by the Governor for the payment of rewards and ferreting out and suppressing crime."

House bill No. 98, "An act to amend chapter 9, section 1, of an act passed at the regular session of the Seventeenth Legislature, authorizing county commissioners' courts to issue bonds for the erection of court houses, approved February 11, 1881, so as to include jail bonds."

Also, Senate bill No. 68, "An act to authorize counties to issue bonds for bridge purposes, and to levy a tax to pay the same; also to validate bonds heretofore issued for bridge purposes."

Senator Buchanan moved to reconsider the vote by which the Senate insisted on its amendments to House bill No. 1, "An act to amend article 4662, chapter 1, title 95, of the Revised Statutes, as amended and approved May 4, A. D. 1882, and to amend articles 4666 and 4668, chapter 1, title 95, of the Revised Civil Statutes, to reduce taxation for general revenue purposes, to conform the tax laws to the amended Constitution, and to provide for the levy and collection of a tax to maintain a system of free schools under the amended Constitution," and that the Senate request the House to return said bill to the Senate for reconsideration.

Adopted by the following vote:

YEAS—16.

Buchanan,	Johnston of Shelby,	Peacock,
Chesley,	Kleberg,	Randolph,
Fleming,	Martin,	Shannon,
Fowler,	Matlock,	Terrell,
Getzendaner,	Patton,	Traylor,
Gooch,		

NAYS—8.

Collins,	Gibbs,	Pfeuffer,
Cooper,	Harris,	Pope,
Farrar,	Houston,	

The President laid before the Senate Senate bill No. 64, "An act to make it unlawful for any person to turn out of an enclosure their live stock to range at large upon the outside."

Senator Terrell offered the following amendment:

Amendment to section 1: "Nor shall any one else turn out stock on unenclosed land unless he also owns six acres, to each head of stock turned out, of unenclosed land in the county."

Senator Traylor moved the previous question on the amendment and the engrossment of the bill.

Motion seconded, and

Main question ordered.

Amendment of Senator Terrell was adopted, by the following vote:

YEAS—11.

Buchanan,	Fowler,	Randolph,
Chesley,	Getzendaner,	Terrell,
Cooper,	Johnston of Shelby,	Traylor,
Evans,	Patton,	

NAYS—10.

Collins,	Houston,	Pfeuffer,
Fleming,	Kleberg,	Pope,
Gibbs,	Martin,	Shannon,
Harris,		

The Senate refused to engross the bill.

The President laid before the Senate Senate bill No. 7, "An act making certain reservations for public roads out of lands hereafter disposed of by the State," which went to the table on a call of the Senate on Saturday.

Senator Traylor moved the previous question, on the passage of the bill.

Motion seconded, and

Main question ordered.

Bill read third time and passed, by the following vote:

YEAS—13.

Chesley,	Gibbs,	Pope,
Cooper,	Harris,	Randolph,
Evans,	Patton,	Shannon,
Fowler,	Pfeuffer,	Traylor,
Getzendaner,		

NEYS—12.

Buchanan,	Gooch,	Martin,
Collins,	Houston,	Matlock,
Evans,	Johnston of Shelby,	Peacock,
Fleming,	Kleberg,	Terrell,

Senator Terrell requested the following to be printed in the journal, which explains his vote against the passage of Senate bill No. 7.

I vote "no." Under this bill a road could be established fifty years after the sale of the land, to run over a man's home, without compensation for the owner. TERRELL.

Senator Cooper, chairman of Committee on Enrolled Bills, submitted the following report:

COMMITTEE ROOM,
AUSTIN, February 4, 1884.

Hon. Marion Martin, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 68, being "An act to authorize counties to issue bonds for bridge purposes, and to levy a tax to pay the same; also, to validate bonds heretofore issued for bridge purposes," and find the same correctly enrolled, and have this day, at 10:30 o'clock a. m., presented the same to the Governor for his approval.

COOPER, Chairman.

Senator Traylor moved to suspend the regular order of business to take up Senate bill No. 29, "An act to authorize the owner or agent to render land for taxes due for the years 1871 to 1876 inclusive, and providing for the assessment and collection of taxes due thereon."

Adopted.

Bill taken up and read second time.

Substitute of the committee adopted.

Senator Martin offered the following amendment:

In line 8 strike out "redeemed" and insert "rendered."

Adopted.

Senator Harris offered the following amendment:

Insert after the word "value," in line 5, the words "for the year for which the rendition is made."

Adopted.

Senator Collins offered the following amendment:

Add after line 10, article 3, section 29, "and such receipt shall be a receipt in full for all tax due prior to 1876."

Adopted.

Senator Traylor offered the following amendment:

The near approach of the close of the present session of the Legislature creates an imperative public necessity and emergency that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect from and after its passage, and it is so enacted.

Adopted, and

Bill ordered engrossed.

Senator Traylor moved to suspend the constitutional rule and place bill on its third reading.

Adopted by the following vote:

YEAS—23.

Buchanan,	Gooch,	Pfeuffer,
Chesley,	Harris,	Pope,
Collins,	Houston,	Randolph,
Cooper,	Johnston of Shelby,	Shannon,
Evans,	Kleberg,	Stratton,
Fleming,	Martin,	Terrell,
Fowler,	Patton,	Traylor,
Getzendaner,	Peacock,	

NAYS—none.

Bill read third time, and passed by the following vote:

YEAS—22.

Buchanan,	Gooch,	Peacock,
Chesley,	Harris,	Pfeuffer,
Collins,	Johnston of Shelby,	Pope,
Cooper,	Kleberg,	Randolph,
Davis,	Martin,	Shannon,
Fleming,	Matlock,	Stratton,
Fowler,	Patton,	Traylor.
Getzendaner,		

NAYS—none.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, February 4, 1884.

Hon. Marion Martin, President of the Senate:

I am instructed to inform the Senate that the House has passed substitute Senate bill No. 4, "An act to be entitled an act to provide for the appointment of commissioners to represent the State of Texas at the World's Industrial Centennial and Cotton Exposition to be opened at New Orleans, Louisiana, on the first Monday in December, 1884, and to prescribe the duties of said commissioners, and making an appropriation therefor," with amendments.

Respectfully,

J. W. BOOTH, Chief Clerk.

Senator Martin moved to suspend the regular order of business and take up substitute Senate bill No. 4, just reported from the House.

Adopted, and

Bill taken up.

Senator Kleberg moved that the Senate concur in the House amendments to substitute Senate bill No. 4.

Adopted.

The President laid before the Senate substitute for Senate bills Nos. 12 and 17, "An act to provide for the investment of the permanent public free school fund."

Bill read second time, and

Substitute adopted.

Senator Stratton offered the following amendment:

Amend section 1, line 8, by adding, after the words "dollars," "or in the bonds of such other States of the United States whose bonds at the time of the investment are at par in the market; provided such bonds bear not less than five per cent interest per annum."

Withdrawn.

Senator Martin offered the following amendment: Strike out so much of the bill as permits investment of the school fund in town or city bonds.

Lost by the following vote:

YEAS—10.

Collins,	Kleberg,	Pope,
Cooper,	Martin,	Terrell,
Harris,	Patton,	Traylor.
Houston,		

NAYS—12.

Buchanan,	Fowler,	Pfeuffer,
Chesley,	Getzendaner,	Randolph,
Evans,	Gibbs,	Shannon,
Fleming,	Johnston of Shelby,	Stratton.

Senator Houston offered the following amendment:

Amend by adding

SEC. 3. If any city, town or county shall fail to pay any installment, or the whole of the principal or interest on its bonds purchased for the benefit of the school fund, that the assessor of the city, town or county, under the direction of the Comptroller of the State, shall assess the property within the territorial limits of such city, town or county to a sufficient amount within the limit of the Constitution, to make the payments to the school fund, provided by the terms of said bond, which assessment shall be collected as other taxes for the school fund.

Senator Kleberg moved the previous question on the amendment and engrossment of the bill.

Carried, and

Main question ordered.

Amendment of Senator Houston adopted, by the following vote:

YEAS—20.

Chesley,	Houston,	Pope,
Collins,	Johnston of Shelby,	Randolph,
Cooper,	Kleberg,	Shannon,
Evans,	Martin,	Stratton,
Fleming,	Matlock,	Terrell,
Fowler,	Patton,	Traylor.
Harris,	Pfeuffer,	

NAYS—2.

Getzendaner,

Gibbs.

Bill ordered engrossed by the following vote:

YEAS—12.

Buchanan,	Fowler,	Matlock,
Collins,	Getzendaner,	Pfeuffer,
Evans,	Gibbs,	Randolph,
Fleming,	Johnston of Shelby,	Shannon.

NAYS—10.

Chesley,	Kleberg,	Stratton,
Cooper,	Martin,	Terrell,
Harris,	Patton,	Traylor.
Houston,	Pope,	

The President laid before the Senate Senate bill No. 22, "An act to provide for immediate and temporary relief against the unlawful cutting of fences, and making an appropriation therefor."

On motion of Senator Kleberg,

The bill was laid on the table.

The President laid before the Senate, Senate bill No. 12, "An act providing for the investment of the permanent school fund."

On motion of Senator Gibbs,

The bill was tabled.

The President laid before the Senate House bill No. 44, "An act to amend article 804, chapter 1, title 18, of the Penal Code."

Bill read second time.

The rules were suspended, and

The bill placed on its third reading by the following vote:

YEAS—22.

Buchanan,	Harris,	Pfeuffer,
Chesley,	Houston,	Pope,
Collins,	Johnston of Shelby,	Randolph,
Cooper,	Kleberg,	Shannon,
Evans,	Martin,	Stratton,
Fleming,	Matlock,	Terrell,
Fowler,	Patton,	Traylor.
Getzendaner,		

NAYS—none.

Bill read third time and passed by the following vote:

YEAS—23.

Buchanan,	Gibbs,	Pfeuffer,
Chesley,	Harris,	Pope,
Collins,	Houston,	Randolph,
Cooper,	Johnston of Shelby,	Shannon,
Evans,	Kleberg,	Stratton,
Fleming,	Martin,	Terrell,
Fowler,	Matlock,	Traylor.
Getzendaner,	Patton,	

NAYS—none.

The President laid before the Senate Senate bill No. 1, "An act to amend articles 804 and 805, concerning conspiracies and their punishment in the Penal Code of Texas."

Read second time, and

On motion of Senator Terrell, it was tabled.

Senate bill No. 18, "An act requiring the county commissioners of the several counties of the State of Texas to lay out and establish first class roads from the county seat to the county line of each adjoining county in the direction of the county seat thereof, on the most practicable and direct route, and providing a penalty for the same," was taken up in regular order, and

On motion of Senator Patton, was ordered to lie on the table.

Senator Martin, chairman of Committee on Engrossed Bills, submitted the following report:

COMMITTEE ROOM,
AUSTIN, February 4, 1884.

Hon. Marion Martin, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared substitute Senate bill No. 29, being "An act to authorize the owner or agent to render land for taxes due for years 1871 to 1876 inclusive," etc., and find the same correctly engrossed.

MARTIN, Chairman.

The President laid before the Senate Senate bill No. 30, "An act to provide for the investment of the permanent school fund of the counties."

Read second time.

Substitute of committee adopted, and

Bill ordered engrossed.

Rules were suspended, and

Bill put on its third reading by the following vote:

YEAS—21.

Buchanan,	Gibbs,	Pfeuffer,
Collins,	Harris,	Pope,
Cooper,	Johnston of Shelby,	Randolph,
Evans,	Kleberg,	Shannon,
Fleming,	Matlock,	Stratton,
Fowler,	Patton,	Terrell,
Getzendaner,	Peacock,	Traylor.

NAYS—none.

Bill read third time.

Senator Chesley offered the following amendment:

Amend section 1 by inserting after the word "therein," in line 6, the following: "or in the school house bonds of towns and villages of the county which are incorporated for free school purposes only."

Senator Cooper in the chair.

Lost by the following vote:

YEAS—5.

Buchanan,	Gibbs,	Kleberg.
Chesley,	Harris,	

NAYS—16.

Collins,	Martin,	Randolph,
Evans,	Matlock,	Shannon,
Fleming,	Peacock,	Stratton,
Getzendaner,	Pfeuffer,	Terrell,
Houston,	Pope,	Traylor.
Johnston of Shelby,		

Senator Getzendaner offered the following amendment:

Add section 5, as follows:

SECTION 5. The commissioners' court may at their own option grant an extension of time on their land notes now due or to fall due; provided, always, the annual interest has been promptly paid.

Adopted by the following vote:

YEAS—15.

Buchanan,	Harris,	Randolph,
Chesley,	Houston,	Shannon,
Cooper,	Johnston of Shelby,	Stratton,
Fowler,	Kleberg,	Terrell,
Getzendaner,	Pope,	Traylor.

NAYS—6.

Collins,	Martin,	Peacock,
Evans,	Patton,	Pfeuffer.

Senator Houston offered the following amendment:

Strike out all after "State," in line 5, to the end of the section, as it appears in printed bill.

No quorum being present on roll call,

Senator Houston moved a call of the Senate.

Call sustained.

Roll called.

Absent: Senators Gooch, Johnson of Collin, Matlock and Perry.

Senator Patton moved to suspend the call.

Four members objecting, the motion failed.

Senator Pope moved to excuse all except Senator Johnson of Collin, who desired not to be excused.

Senator—— moved a division of the question.

Senator Patton moved to excuse the absent Senators, pending action on this bill.

Senator Houston moved to amend by substituting "for the day."

Senator Patton raised the point of order that the amendment was not in order.

Point of order overruled.

Senator Houston's amendment to the motion of Senator Patton was lost by the following vote:

YEAS—11.

Collins,	Johnston of Shelby,	Shannon,
Gibbs,	Kleberg,	Stratton,
Harris,	Martin,	Traylor.
Houston,	Pfeuffer,	

NAYS—13.

Buchanan,	Fowler,	Peacock,
Chesley,	Getzendaner,	Pope,
Cooper,	Matlock,	Randolph,
Evans,	Patton,	Terrell.
Fleming,		

Senator Patton's motion to excuse for the pending bill was carried by the following vote:

YEAS—15.

Buchanan,	Fleming,	Matlock,
Chesley,	Fowler,	Patton,
Collins,	Getzendaner,	Randolph,
Cooper,	Gibbs,	Shannon,
Evans,	Johnston of Shelby,	Terrell.

NAYS—6.

Harris,	Martin,	Pope,
Houston,	Peacock,	Stratton,
Kleberg,	Pfeuffer,	Traylor.

On motion of Senator Fleming,
The Senate adjourned till 3 o'clock this evening.

AFTERNOON SESSION.

Senate met pursuant to adjournment.

Lieutenant-Governor Martin, President of the Senate, in the chair.

Roll called.

Quorum present.

Senator Matlock, chairman of Senate committee of free conference to act with a like committee on the part of the House to adjust the differences of the two Houses, submitted the following report:

COMMITTEE ROOM,
AUSTIN, February 24, 1884.

Hon. Marion Martin, President of the Senate, and Hon. Chas. R. Gibson, Speaker of the House of Representatives:

Your committee of free conference have had under consideration the differences between the two houses on substitute House bills Nos. 50 and 84, entitled "An act to prohibit the unlawful fencing or enclosing, or keeping enclosed, of the lands of another, and of the public, public school, university and asylum lands of the State of Texas, and to provide a penalty therefor."

Your free conference committee recommend:

First. That the Senate recede from all its amendments to the House bill, as it passed, except the amendment striking out all after word "years," in line 6, down to and including the word "them," in line 8, in section 1, and insert in lieu thereof the following words: "Within the meaning of persons, as used in this act, is included every man managing or controlling for a corporation, firm or joint stock company, as well as any and every individual or person who shall aid, assist, or direct in the violation of this act," and that this amendment be concurred in.

Second. We recommend that the House concur in the Senate amendments added to the bill, relating to State lands, public school, university and asylum lands, except section 6, relating to fencing these lands, and that the House bill remain as it is in that regard, and except, also, sections called 11 and 12, relating to powers of the State Land Board and the appropriation, and that said sections 6, 11 and 12, of the Senate, be stricken out.

Third. We recommend that the two following sections be added to the bill:

SEC. —. This act shall not apply to persons who have heretofore settled upon land not their own, where the enclosure is two hundred acres or less, and where the principal pursuit of such person upon the land is that of agriculture.

SEC. —. That any person enclosing the unoccupied land of another, or of the State, or belonging to the public schools, university or asylums, may avoid the penalties prescribed in this act by depositing with the State Treasurer, for the benefit of the land owner, or fund to which the land belongs, the sum of ten cents per acre, for each acre enclosed for each year, or part of a year, the same may be enclosed prior to indictment or information; provided, the person who encloses the inner tract shall own or legally control the land upon which the fence is constructed. But, in such case, the owner of the fence shall be liable to pay the owner of the inner tract the value of the rent or use in excess of ten cents per acre, which may be recovered in a civil action.

Fourth. We recommend that the caption of the bill be amended by inserting after the words "of the State of Texas," the following words: "and to prevent the herding, or loose

herding, or detention of stock upon the lands of the State, the public schools, university and asylums, and to provide penalties for the violation of this act."

Fifth. We recommend that the sections be numbered in consecutive order, and that the repealing and emergency clause become the last two sections.

Sixth. We recommend that the whole bill, after being amended, shall read as follows:

An act to prohibit the unlawful fencing or enclosing, or keeping enclosed, of the lands of another, and of the public, public school, university, and asylum lands of the State of Texas, and to prevent the herding, or loose herding or detention of stock upon the lands of the State, the public schools, university and asylums, and to provide penalties for the violation of this act.

SECTION 1. *Be it enacted by the Legislature of the State of Texas, That if any person or corporation shall knowingly make, or permit to remain standing, any fence on or around the land of another, or the public, public school, university or asylum lands of this State, without the written consent of the owner thereof, duly acknowledged, or a duly executed lease of such land from the proper authority, in case of public, public school, university or asylum lands, as the case may be, duly recorded in the county where the land lies, or to which it is attached for judicial purposes, he shall be deemed guilty of a misdemeanor, and upon conviction therefor fined in any sum not less than fifty cents nor more than one dollar per acre per month for each month so enclosed, or fined and imprisoned in the county jail for any period not over two years.* Within the meaning of person, as used in this act, is included every man managing or controlling for a corporation, firm, or joint stock company, and any and every individual or person who shall aid, assist or direct in the violation of this act. Half of all fines collected under the provisions of this act shall be paid to the person or persons informing on the person or corporation who shall unlawfully enclose any land; provided, that each three months said land is so enclosed shall constitute a separate offense. A fence within the meaning of this act is any structure of wood, wire, or both, or any other material, intended to prevent the passage of cattle, horses, mules, asses, sheep, goats, or hogs. Where persons or corporations have unlawfully fenced land belonging to the State, or public school, university, or asylum lands, it shall be the duty of the Attorney-General, either in person or by proxy, to institute proceedings in the name of the State against any person or corporation so unlawfully enclosing said lands; and the expense incurred in employing counsel to prosecute such cases shall be deducted from the fine or fines collected from any person or corporation violating the provisions of this act, the balance to be paid to the fund to which it belongs.

SEC. 2. All persons or corporations who have already fenced lands within the prohibition of this act shall have six months from and after the time that this act goes into effect to conform to the provisions thereof; provided, that the provisions of this act shall not apply to any person or corporation who has heretofore or may hereafter, in good faith, fence land not their own.

SEC. 3. In all prosecutions under this act, the provisions of articles 699 and 700 of the Penal Code of the State of Texas shall apply.

SEC. 4. This act shall not apply to persons who have heretofore settled upon lands not their own, where the enclosure is two hundred acres or less, and where the principal pursuit of such person upon the land is that of agriculture.

SEC. 5. That any person enclosing the unoccupied lands of another, or of the State, or belonging to the public schools, university or asylums, may avoid the penalties prescribed in this act by depositing with the State Treasurer for the benefit of the land owner or fund to which the land belongs, the sum of ten cents per acre for each acre enclosed, for each year or part of a year the same may be enclosed prior to indictment or information; provided, the person who encloses the inner tract shall own or legally control the land upon which the fence is constructed. But, in such case, the owner of the fence shall be liable to pay the owner of the inner tract the value of the rent or use in excess of ten cents per acre, which may be recovered in a civil action.

SEC. 6. It shall be unlawful for any person, firm or corporation to herd, or aid in herding, or cause to be herded, loose herded, or detained for grazing, any cattle, horses or sheep on any vacant public domain, school, university or asylum lands within this State, unless the same shall have been leased from the State.

SEC. 7. Any person who shall knowingly violate any of the provisions in section 6 of this act shall be guilty of a misdemeanor, and, upon conviction shall be fined one hundred dollars for each year or part of a year, for each section, or part of a section (meaning six hundred and forty acres of land or less, whether surveyed in sections or not), which shall be used or trespassed upon contrary to the provisions of this act.

SEC. 8. The owner of the cattle, horses or sheep shall be liable to the State in the sum of one hundred dollars for each year, or part of a year, for each six hundred and forty acres of land that may be used or trespassed upon, contrary to the provisions of this act, which may be recovered in a civil action, without affecting the criminal prosecutions prescribed herein.

SEC. 9. Where such unleased land is now fenced, or herded upon contrary to the provisions of this act, belongs to the unappropriated domain, public school, university or asylum lands, it shall be a bar to the criminal and civil prosecution hereinbefore provided for for any violation prior to January 1, 1885, if the violator of this act, or the owner of the cattle, horses or sheep shall, prior to the first day of September, A. D. 1884, pay into the State treasury thirty-two dollars for each section of 640 acres (or tract of less size) used contrary to this act, for the benefit of the fund to which the land belongs.

SEC. 10. That all laws and parts of laws in conflict herewith be and the same are hereby repealed.

SEC. 11. The fact that there is no law making it penal to fence the lands of another or the lands of the State, and that large quantities of land are so fenced, creates an imperative public necessity that the rule requiring bills to be read on three several days in each house shall be suspended, and that this act shall take effect and be in force from and after its passage, and it is so enacted.

All of which is respectfully submitted.

W. F. UPTON,
W. J. CAVEN,
House Committee.
A. L. MATLOCK,
JNO. YOUNG GOOCH,
JNO. H. TRAYLOR,
Senate Committee.

The following messages were received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, February 4, 1884.

Hon. Marion Martin, President of the Senate:

I am directed by the House to inform the Senate that the House has refused to adopt the report of the committee of free conference on the differences between the two Houses on House bills Nos. 50 and 84, an act to be entitled "An act to prohibit the unlawful fencing or enclosing, or keeping enclosed, the lands of another, and of the public, public school, university and asylum lands of the State of Texas," and requests another free conference committee, and that Messrs. McKinney, Taylor and Browning have been appointed on the part of the House on said committee.

Respectfully,

J. W. BOOTH, Chief Clerk.

Senator Matlock moved that the request of the House be granted and committee appointed, and that he be excused from acting on said committee. Adopted.

The President appointed as said committee: Senators Gooch, Traylor and Kleberg.

HOUSE OF REPRESENTATIVES,
AUSTIN, February 4, 1884.

Hon. Marion Martin, President of the Senate:

I am instructed to return to the Senate House bill No. 1, "An act to amend article 4662, chapter 1, title 95 of the Revised Statutes, as amended and adopted May 4, A. D. 1882, and to amend articles 4666 and 4668, chapter 1, title 95 of the Revised Statutes, to reduce taxation for general revenue purposes, to conform the tax laws to the amended Constitution, and to provide for the levy and collection of a tax to maintain a system of free schools under the amended Constitution."

J. W. BOOTH, Chief Clerk.

The President gave notice of signing the following bill:

Substitute House bills Nos. 6, 23, 24, 25, 26, 29, 34, 43, 47 and 63, "An act to amend articles 4360, 4361, 4366, 4367, 4370, 4371, 4372, 4375, 4379, 4384, 4387, 4389 and 4390 of title 87, chapter 1, and to add thereto articles 4390a, 4390b, 3390c, and also to amend article 4392 of chapter 2, and article 4418 of chapter 4, title 87 of the Revised Civil Statutes, relating to public roads, and to enforce the provisions of article 4390a of this bill, and to provide adequate penalties therefor."

The President laid before the Senate House bill No. 13, "An act to provide for the sale of all real estate bid off to the State by collectors of taxes at tax sales, the owners of which have not redeemed the same, approved April 7, 1879, and to extend the right of redemption."

Senator Harris moved to postpone, subject to call.

Lost by the following vote:

YEAS—4.

Evans,	Harris,	Matlock.
Gibbs,		

NAYS—20.

Buchanan,	Johnston of Shelby,	Pope,
Collins,	Kleberg,	Randolph,
Cooper,	Martin,	Shannon,
Fowler,	Patton,	Stratton,
Getzendaner,	Peacock,	Terrell,
Gooch,	Perry,	Traylor.
Houston,	Pfeuffer.	

Bill read second time.

Senator Matlock moved to adopt the committee report, which is unfavorable to the bill.

Lost by the following vote:

YEAS—4.

Harris,	Matlock,	Pfeuffer.
Martin,		

NAYS—21.

Buchanan,	Gibbs,	Perry,
Chesley,	Gooch,	Pope,
Collins,	Houston,	Randolph,
Cooper,	Johnston of Shelby,	Shannon,
Evans,	Kleberg,	Stratton,
Fowler,	Patton,	Terrell,
Getzendaner,	Peacock,	Traylor.

Senator Matlock made the point of order that Senate substitute for substitute House bill No. 13, "An act to further regulate the collection of taxes on real estate, including lands heretofore bought by the State at delinquent tax sales," was, by request, returned from the House to be reconsidered, and must be acted upon.

Point of order overruled.

Senator Matlock moved to substitute the Senate substitute for substitute House bill No. 13, for the pending House bill No. 13.

Senator Gooch moved the previous question on the motion of Senator Matlock and the bill.

Motion seconded, and

Main question ordered.

Motion of Senator Matlock lost by the following vote:

YEAS—3.

Harris,	Matlock,	Pfeuffer.
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NAYS—22.

Buchanan,	Gooch,	Perry,
Chesley,	Houston,	Pope,
Collins,	Johnston of Shelby,	Randolph,
Cooper,	Kleberg,	Shannon,
Evans,	Martin,	Stratton,
Fowler,	Patton,	Terrell,
Getzendaner,	Peacock,	Traylor.
Gibbs,		

Bill passed to its third reading.

Senator Traylor moved to suspend the rules and put the bill on its third reading.

Adopted by the following vote:

YEAS—20.

Buchanan,	Houston,	Pope,
Collins,	Johnston of Shelby,	Randolph,
Cooper,	Kleburg,	Shannon,
Fowler,	Martin,	Stratton,
Getzendaner,	Patton,	Terrell,
Gibbs,	Peacock,	Traylor.
Gooch,	Perry,	

NAYS—5.

Evans,	Harris,	Pfeuffer.
Fleming,	Matlock,	

Bill read third time and passed by the following vote.

YEAS—22.

Buchanan,	Gooch,	Perry,
Chesley,	Houston,	Pope,
Collins,	Johnston of Shelby,	Randolph,
Cooper,	Kleberg,	Shannon,
Evans,	Martin,	Stratton,
Fowler,	Patton,	Terrell,
Getzendaner,	Peacock,	Traylor.
Gibbs,		

NAYS—3.

Harris,	Matlock,	Pfeuffer.
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Senator Matlock, chairman of committee on the part of the Senate to investigate the error in the enrollment of Senate bill 327 at the regular session of the Eighteenth Legislature, submitted the following report:

COMMITTEE ROOM,
AUSTIN, February 4, 1884.

Hon. Marion Martin, President of the Senate, and Hon. Chas. R. Gibson, Speaker of the House of Representatives:

Your joint committee, to whom was referred Senate resolution to "inquire as to whether any error was committed in the enrollment of Senate bill No. 327, known as the 'Lunatic Asylum bill,' passed at the regular session of the Eighteenth Legislature, and to report the cause of such error, if any," have had the same under consideration, and respectfully submit the following:

We find that there was an error in the enrollment of said bill, and that the error occurred in the House in the following manner: On the ninth of April, Mr. Taylor moved to strike out the following words in article 75, of the bill: "He shall have had special advantages and practical experience in the management of hospitals for the insane, and in the treatment of insanity, by a residence for at least three years in such an institution."

Mr. Foster of Grayson offered a substitute for Mr. Taylor's amendment, as follows:

"Substitute for the words proposed to be stricken out, the following: 'And he shall also be experienced in the treatment of insanity.'" On April 12, the House journals showed that the substitute and amendment were adopted.

In the engrossment of the bill, the substitute offered by Mr. Foster of Grayson was added to the bill, and that the amendment offered by Mr. Taylor striking out that portion of the bill above quoted was left off. Mr. Will Lambert engrossed the bill by order of the Chief Clerk of the House, and acknowledges to having made the mistake. In view of the fact

that the engrossing clerk was pressed for time in which to finish up the business of the session, as is usual in the rush of bills to that department at the close of the session, your committee think the error purely a clerical one.

After careful inquiry into all the circumstances connected with the engrossment of the bill, your committee conclude that there was no improper or undue influences used to secure the enrollment of the bill as it appears on the statutes.

All of which is respectfully submitted.

MATLOCK,
MARTIN,
Committee for Senate.
FOSTER of Limestone,
GARRISON,
BARRETT,
Committee for House.

Senator Buchanan moved to take up House bill No. 1, tax bill, which was returned from the House as requested by the Senate this morning, for the purpose of reconsidering the Senate amendments.

Adopted, and

Bill taken up.

Senator Buchanan moved that the Senate recede from its amendment relating to school tax.

Senator Pfeuffer moved that the Senate recede from both of its amendments.

Senator Buchanan called for a division of the question.

Granted, and

The Senate receded from its school tax amendment.

During some remarks of Senator Pfeuffer,

Senator Buchanan made the point of order, that the motion to which he was speaking was already adopted, and argument was out of order.

The President ruled that the point of order, if insisted on, would cut off any further remarks, but he permitted Senator Pfeuffer to explain his motion.

The Senate refused to recede from the second amendment by the following vote:

YEAS—7.

Collins,	Harris,	Pfeuffer,
Evans,	Houston,	Shaannon.
Gibbs,		

NAYS—16.

Buchanan,	Johnston of Shelby,	Pope,
Chesley,	Kleberg,	Randolph.
Cooper,	Martin,	Stratton,
Fowler,	Peacock,	Terrell,
Getzendaner,	Perry,	Traylor.
Gooch,		

Senator Houston moved that the same free conference committee be appointed.

Adopted.

Senator Buchanan requested to be relieved from the committee, and that Senator Houston be appointed in his place.

Granted.

Senator Martin, chairman of Committee on Engrossed Bills, submitted the following report:

COMMITTEE ROOM,
AUSTIN, February 4, 1884.

Hon. Marion Martin, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared substitute for Senate bills Nos. 12 and 17, being "An act to provide for the investment of the permanent school fund," etc., and find the same correctly engrossed.

MARTIN, Chairman.

Senator Pfeuffer moved to suspend the regular or-

der of business and take up Senate bill No. 31, "An act to amend section 1 of 'an act requiring the proceeds arising from the leasing or renting of county school lands and from sales of timber thereon, to be applied exclusively to educational purposes.'" The Senate refused to suspend.

Senator Buchanan entered a motion to reconsider the vote by which the Senate passed House bill No. 13.

Senator Patton moved to excuse Senator Fleming for the remainder of the day.

Adopted.

Senator Getzendaner called up substitute Senate bill No. 30, relating to the investment of the permanent public school fund of the several counties," which went to the table under a call of the Senate this morning.

Pending the motion to take up,

On motion of Senator Gibbs,

The Senate adjourned till 10 o'clock a. m. to-morrow.

TWENTY-FIFTH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, February 5, 1884.

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

On motion of Senator Getzendaner,

The reading of the journal of yesterday was dispensed with, and

The journal was adopted.

Senator Buchanan offered the following resolution:

Resolved, That the chairman of the Committee on Enrolled Bills be authorized to employ two additional clerks for the balance of the session.

Adopted.

Senator Kleberg presented, by leave, a memorial of the New York, Texas and Mexican railway company.

Referred to Committee on State Affairs.

Senator Buchanan, for Committee on Education, submitted the following report:

COMMITTEE ROOM,
AUSTIN, February 5, 1884.

Hon. Marion Martin, President of the Senate:

Your Committee on Educational Affairs, to whom was referred Senate bill No. 73, entitled "An act to authorize the transfer of bonds of the State of Texas, and of the United States, from the common school fund to the Texas University fund," have considered the same, and a majority of the committee instruct me to report the same back with the recommendation that it do pass.

BUCHANAN, for Committee.

The following messages were received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, February 5, 1884.

Hon. Marion Martin, President of the Senate:

I am instructed to inform the Senate that the House has passed, with amendments, substitute Senate bills Nos. 32 and

44, "An act to establish and maintain a system of public free schools for the State of Texas."

J. W. BOOTH, Chief Clerk.

HOUSE OF REPRESENTATIVES,
AUSTIN, February 5, 1884.

Hon. Marion Martin, President of the Senate:

I am instructed to inform the Senate that the House has passed Senate bill No. 46, "An act to authorize the several county commissioners' courts of this State to provide for more than four terms of the county court, annually, for the transaction of civil and criminal business."

J. W. BOOTH, Chief Clerk.

HOUSE OF REPRESENTATIVES,
AUSTIN, February 5, 1884.

Hon. Marion Martin, President of the Senate:

I am instructed to inform the Senate that the House has acceded to the request of the Senate for the appointment of a free conference committee on the differences between the two houses on House bill No. 1, entitled "An act to amend article 4662, chapter 1, title 95, of the Revised Statutes, as amended and approved May 4, A. D. 1882, and to amend articles 4666 and 4668, chapter 1, title 95, of the Revised Civil Statutes, to reduce taxation for general revenue purposes, to conform the tax laws to the amended Constitution, and to provide for the levy and collection of a tax to maintain a system of free schools under the amended Constitution," and that Messrs. Cochran, Frymier and Chambers have been appointed on said committee on the part of the House.

Respectfully,

J. W. BOOTH, Chief Clerk.

HOUSE OF REPRESENTATIVES,
AUSTIN, February 5, 1884.

Hon. Marion Martin, President of the Senate:

I am directed by the House to inform the Senate that the House has passed:

Senate bill No. 21, "An act to amend article 420 of the Revised Statutes, so as to authorize incorporated cities and towns to issue bonds to build school houses."

Also, Senate bill No. 33, "An act to provide for the leasing of the school land belonging to the unorganized counties."

I am also directed to inform the Senate that the House has refused to pass Senate bill No. 3, "An act to donate all the public domain in the State of Texas to the public free school fund."

And that the House has also refused to pass Senate bill No. 25, "An act to prevent persons from entering the land of others, and hunting and fishing therein, in certain instances."

Also, Senate bill No. 38, "An act to amend article 4362, title 87, of the Revised Statutes of the State of Texas, so as to require first class roads to be made at least sixty feet wide."

Said bills are herewith returned to the Senate.

Respectfully,

J. W. BOOTH, Chief Clerk.

Senator Patton, chairman of Committee on State Affairs, submitted the following report:

COMMITTEE ROOM,
AUSTIN, February 5, 1884.

Hon. Marion Martin, President of the Senate:

A majority of your Committee on State Affairs, to whom was referred Senate concurrent resolution requesting our Representatives in Congress to give the bill now pending in Congress to prevent the importation of adulterated wines and brandies from Europe and other countries into the United States their earnest support, have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass.

All of which is respectfully submitted.

PATTON, Chairman.

Senator Gibbs moved to suspend the regular order of business and take up substitute for Senate bills Nos. 32 and 44, reported from the House this morning.

Adopted, and

Bill taken up.

Senator Chesley moved that the House amendments to said bill be acted upon seriatim, and